

**PATENT COOPERATION TREATY**

From the INTERNATIONAL SEARCHING AUTHORITY

2004 **PCT**

To:  
**HUDAK SHUNK & FARINE CO. LPA**  
 Attn. Tyrpak, Michele M.  
 2020 Front Street, Suite 300  
 Cuyahoga Falls OH 44221  
 UNITED STATES OF AMERICA

**NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL SEARCH REPORT AND  
THE WRITTEN OPINION OF THE INTERNATIONAL  
SEARCHING AUTHORITY, OR THE DECLARATION**

(PCT Rule 44.1)

Applicant's or agent's file reference <b>ELTECH-BE-PCT</b>	Date of mailing <i>(day/month/year)</i> <b>02/11/2004</b>
International application No. <b>PCT/US2004/014357</b>	International filing date <i>(day/month/year)</i> <b>07/05/2004</b>
Applicant <b>ELTECH SYSTEMS CORPORATION</b>	

1.  The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

**Filing of amendments and statement under Article 19:**

The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

**When?** The time limit for filing such amendments is normally 2 months from the date of transmittal of the International Search Report; however, for more details, see the notes on the accompanying sheet.

**Where?** Directly to the International Bureau of WIPO, 34 chemin des Colombettes  
 1211 Geneva 20, Switzerland, Fascimile No.: (41-22) 740.14.35

For more detailed instructions, see the notes on the accompanying sheet.

2.  The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.

3.  With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

- the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
- no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. Reminders

Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until **30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the International Searching Authority  <b>European Patent Office, P.B. 5818 Patentlaan 2          NL-2280 HV Rijswijk          Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,          Fax: (+31-70) 340-3016</b>	Authorized officer <b>Maria Van der Hoeven</b>
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## NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the PCT Applicant's Guide, a publication of WIPO.

In these Notes, "Article", "Rule", and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions respectively.

### INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only.

#### What parts of the international application may be amended?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

#### When?

Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

#### Where not to file the amendments?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/ is filed, see below.

#### How?

Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or amendments, differs from the sheet originally filed.

All the claims appearing on a replacement sheet must be numbered in Arabic numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Administrative Instructions, Section 205(b)).

The amendments must be made in the language in which the international application is to be published.

#### What documents must/may accompany the amendments?

##### Letter (Section 205(b)):

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.

## NOTES TO FORM PCT/ISA/220 (continued)

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

- (i) the claim is unchanged;
- (ii) the claim is cancelled;
- (iii) the claim is new;
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

**The following examples illustrate the manner in which amendments must be explained in the accompanying letter:**

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:  
"Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
2. [Where originally there were 15 claims and after amendment of all claims there are 11]:  
"Claims 1 to 15 replaced by amended claims 1 to 11."
3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:  
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or  
"Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
4. [Where various kinds of amendments are made]:  
"Claims 1-10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

### "Statement under article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

**It must be in the language in which the international application is to be published.**

**It must be brief, not exceeding 500 words if in English or if translated into English.**

**It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."**

**It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.**

### Consequence if a demand for international preliminary examination has already been filed

If, at the time of filing any amendments under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the same time of filing the amendments with the International Bureau, also file a copy of such amendments with the International Preliminary Examining Authority (see Rule 62.2(a), first sentence).

### Consequence with regard to translation of the international application for entry into the national phase

The applicant's attention is drawn to the fact that, where upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see Volume II of the PCT Applicant's Guide.

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference  ELTECH-BE-PCT	<b>FOR FURTHER ACTION</b> see Form PCT/ISA/220 as well as, where applicable, item 5 below.	
International application No.  PCT/US2004/014357	International filing date (day/month/year)  07/05/2004	(Earliest) Priority Date (day/month/year)  07/05/2003
Applicant  ELTECH SYSTEMS CORPORATION		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 5 sheets.

It is also accompanied by a copy of each prior art document cited in this report.

**1. Basis of the report**

a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

The international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b.  With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2.  **Certain claims were found unsearchable** (See Box II).

3.  **Unity of invention is lacking** (see Box III).

4. With regard to the **title**,

the text is approved as submitted by the applicant.

the text has been established by this Authority to read as follows:

SMOOTH SURFACE MORPHOLOGY ANODE COATINGS

5. With regard to the **abstract**,

the text is approved as submitted by the applicant.

the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regards to the **drawings**,

a. the figure of the **drawings** to be published with the abstract is Figure No. \_\_\_\_\_

as suggested by the applicant.

as selected by this Authority, because the applicant failed to suggest a figure.

as selected by this Authority, because this figure better characterizes the invention.

b.  none of the figures is to be published with the abstract.

# INTERNATIONAL SEARCH REPORT

International Application No

PCT/US2004/014357

**A. CLASSIFICATION OF SUBJECT MATTER**  
 IPC 7 C25B11/04 C23C18/42

According to International Patent Classification (IPC) or to both national classification and IPC

**B. FIELDS SEARCHED**

Minimum documentation searched (classification system followed by classification symbols)  
 IPC 7 C25B C23C

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, PAJ, WPI Data

**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 2002/148736 A1 (GEUSIC MARK J ET AL) 17 October 2002 (2002-10-17)  paragraphs '0025! - '0031! example 1 ----- US 4 318 795 A (BIANCHI GIUSEPPE ET AL) 9 March 1982 (1982-03-09)  examples 7,8 ----- US 6 527 924 B1 (ANDOLFATTO FRANCOISE ET AL) 4 March 2003 (2003-03-04)  column 1, line 65 - column 3, line 2 ----- -/-	1-6, 9, 13-21, 24, 28, 29  1-5, 7-9, 12-14, 16-20, 22-24, 27, 28  1-4, 12-14, 16-19, 27, 28
X		
A		

Further documents are listed in the continuation of box C.

Patent family members are listed in annex.

\* Special categories of cited documents :

- \*A\* document defining the general state of the art which is not considered to be of particular relevance
- \*E\* earlier document but published on or after the international filing date
- \*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- \*O\* document referring to an oral disclosure, use, exhibition or other means
- \*P\* document published prior to the international filing date but later than the priority date claimed

- \*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- \*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- \*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- \*&\* document member of the same patent family

Date of the actual completion of the international search

22 October 2004

Date of mailing of the international search report

02/11/2004

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2  
NL - 2280 HV Rijswijk  
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,  
Fax: (+31-70) 340-3016

Authorized officer

Desbois, V

## INTERNATIONAL SEARCH REPORT

International Application No.  
PCT/US2004/014357

## C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 4 189 358 A (BORNER WILLIAM G ET AL) 19 February 1980 (1980-02-19)  examples 4,5 -----	1-4, 12-19, 27-29
A	US 4 005 004 A (SEKO MAOMI ET AL) 25 January 1977 (1977-01-25) column 3, line 35 - line 50 example 1 -----	12,27
A	PATENT ABSTRACTS OF JAPAN vol. 010, no. 214 (C-362), 25 July 1986 (1986-07-25) & JP 61 052385 A (TDK CORP), 15 March 1986 (1986-03-15) abstract -----	1-29

**INTERNATIONAL SEARCH REPORT**

Information on patent family members

International Application No

PCT/US2004/014357

Patent document cited in search report	Publication date		Patent family member(s)	Publication date
US 2002148736	A1	17-10-2002	BR 0206957 A CA 2437457 A1 EP 1360345 A2 NO 20033469 A WO 02063068 A2	09-03-2004 15-08-2002 12-11-2003 03-10-2003 15-08-2002
US 4318795	A	09-03-1982	US 3948751 A BE 725491 A BE 725492 A CA 962228 A1 CA 925045 A1 CS 222661 B2 DE 1814567 A1 DE 1814576 A1 DE 1818035 B1 DE 1818051 C2 DK 148660 B ES 361436 A1 ES 366987 A1 ES 366988 A1 FR 1595024 A FR 1597806 A GB 1231280 A GB 1235570 A IL 31129 A IL 31209 A NL 6817957 A , B , NL 6817966 A NL 7908873 A , C NO 138664 B PH 12129 A PH 12145 A PL 80632 B1 SE 411674 B SE 7902439 A SU 976838 A3 US 3846273 A US 3810770 A US 3616445 A US 4003817 A YU 292668 A , B YU 294568 A , B SE 432448 B US 4070504 A	06-04-1976 13-06-1969 13-06-1969 04-02-1975 24-04-1973 29-07-1983 14-08-1969 26-11-1970 16-08-1979 27-11-1986 26-08-1985 16-11-1970 16-05-1972 16-06-1971 08-06-1970 29-06-1970 12-05-1971 16-06-1971 30-03-1973 30-08-1972 17-06-1969 17-06-1969 31-03-1980 10-07-1978 07-11-1978 07-11-1978 30-08-1975 28-01-1980 19-03-1979 23-11-1982 05-11-1974 14-05-1974 26-10-1971 18-01-1977 30-06-1976 31-12-1976 02-04-1984 24-01-1978
US 6527924	B1	04-03-2003	FR 2797646 A1 AU 7014300 A CA 2347728 A1 CN 1348510 T EP 1125005 A1 WO 0114615 A1 JP 2003507580 T NO 20011931 A	23-02-2001 19-03-2001 01-03-2001 08-05-2002 22-08-2001 01-03-2001 25-02-2003 28-05-2001
US 4189358	A	19-02-1980	AU 523857 B2 AU 4873379 A CA 1129805 A1 CA 1157811 A2	19-08-1982 17-01-1980 17-08-1982 29-11-1983

**INTERNATIONAL SEARCH REPORT**

Information on patent family members

International Application No

PCT/US2004/014357

Patent document cited in search report	Publication date		Patent family member(s)	Publication date
US 4189358	A		DE 2964533 D1 EP 0007239 A2 EP 0029272 A2 EP 0047566 A2 FI 792211 A ,B, JP 1416523 C JP 55058387 A JP 62023078 B NO 792299 A ,B,	24-02-1983 23-01-1980 27-05-1981 17-03-1982 15-01-1980 22-12-1987 01-05-1980 21-05-1987 15-01-1980
US 4005004	A	25-01-1977	JP 51037877 A JP 52020440 B DE 2543033 A1 FR 2286209 A1 GB 1481767 A	30-03-1976 03-06-1977 15-04-1976 23-04-1976 03-08-1977
JP 61052385	A	15-03-1986	JP 6033489 B	02-05-1994

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

## WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference see form PCT/ISA/220		<b>FOR FURTHER ACTION</b> See paragraph 2 below	
International application No. PCT/US2004/014357	International filing date (day/month/year) 07.05.2004	Priority date (day/month/year) 07.05.2003	
International Patent Classification (IPC) or both national classification and IPC C25B11/04, C23C18/42			
Applicant ELTECH SYSTEMS CORPORATION			

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:   European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer  Desbois, V Telephone No. +31 70 340-8952	
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WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITYInternational application No.  
PCT/US2004/014357**10/553026****Box No. I Basis of the opinion**

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.  
 This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:  
 a sequence listing  
 table(s) related to the sequence listing
  - b. format of material:  
 in written format  
 in computer readable form
  - c. time of filing/furnishing:  
 contained in the international application as filed.  
 filed together with the international application in computer readable form.  
 furnished subsequently to this Authority for the purposes of search.
3.  In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/US2004/014357

**Box No. II Priority**

1.  The following document has not been furnished:

copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).  
 translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2.  This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Yes: Claims	10, 11, 25, 26
	No: Claims	1-9, 12-24, 27-29
Inventive step (IS)	Yes: Claims	
	No: Claims	1-29
Industrial applicability (IA)	Yes: Claims	1-29
	No: Claims	

**2. Citations and explanations**

**see separate sheet**

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING  
AUTHORITY (SEPARATE SHEET)**

International application No.  
**PCT/US2004/014357**

**Re Item V.**

The following documents are referred to in this communication:

D1 : US 2002/148736 A1 (GEUSIC MARK J ET AL) 17 October 2002  
D2 : US 4318795 (BIANCHI GIUSEPPE ET AL) 9 March 1982

**1 INDEPENDENT CLAIM 1**

**1.1 CLARITY AND NOVELTY**

The application does not meet the requirements of Article 6 PCT, because **claim 1** is not clear. The following features of claim 1 refer to the electrode which is produced, rather than to the process itself :

- (a) coating composition
- (b) surface morphology
- (c) electrode's performance

Therefore, these features will not be taken into account.

A similar remark applies as well for dependent claims 5-9, as the proportions are given for the result of the process (the coating) rather than as process parameters.

In claim 16, in order to be consistent with the description, and with claim 20, "ruthenium" and "titanium" have been considered to be "ruthenium oxide" and "titanium oxide".

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of **claims 1 and 16** is not new in the sense of Article 33(2) PCT.

Document D1 discloses (the references in parenthesis applying to this document):

A process for the production of an electrolytic electrode having an electrocatalytic coating thereon (paragraphs [0030], [0031]), said process comprising the steps of:  
providing a valve metal electrode base;

coating said valve metal electrode with a coating layer of an electrochemically active coating on said valve metal electrode base, said coating consisting essentially of mixture of ruthenium oxide, titanium oxide and one or more of tin oxides or antimony oxides (paragraph [0027]).

Therefore **claim 1** does not appear to be new (Article 33(2) PCT).

Document D1 also discloses the electrode manufactured through the process described in claim 1. Moreover D1 discloses an electrode having a coating composition in the following ranges (paragraph [0027]):

Ruthenium oxide : 10-30 mol.%

Titanium oxide : 50-89.4 mol.%

These ranges overlap with the ranges of claim 16

Therefore **claim 16** does not appear to be new (Article 33(2) PCT).

## **2 DEPENDENT CLAIMS**

### **2.1 NOVELTY AND INVENTIVE STEP**

Dependent **claims 2-15, 17-29** do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty or inventive step(Article 33(2) and 33(3) PCT) (See documents D1, paragraphs [0027], [0030], [0031] and D2, examples VII and VIII). Particularly **claims 10, 11, 25, 26** do not meet the requirements of Article 6 PCT in that the matter for which protection is sought is not clearly defined. The claims attempt to define the subject-matter in terms of the result to be achieved, which merely amounts to a statement of the underlying problem, without providing the technical features necessary for achieving this result.